

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application Of:)	Att.: Box Missing Parts
)	
Thomas FOXEN, et al.)	Group Art Unit: 3728
)	
Serial No. 10/767,465)	Examiner: TBD
)	
Filed: January 28, 2004)	Docket No. 005127.00278
)	
For: ARTICLE OF FOOTWEAR HAVING A)	
FLUID-FILLED BLADDER WITH A)	
REINFORCING STRUCTURE)	

SUBMISSION OF MISSING PARTS OF NONPROVISIONAL APPLICATION

Commissioner for Patents
Alexandria, VA 22313

Sir:

Pursuant to the Notice to File Missing Parts of Application dated June 16, 2004, Applicants hereby submit their executed Declaration in the above Application. The Commissioner is hereby authorized to charge deposit account 19-0733 for a total of \$1,942.00, which includes the basic filing fee of \$790.00, \$504.00 for 28 claims over 20, \$88.00 for 1 independent claims over 3, the \$130.00 surcharge as set forth in 37 C.F.R. §1.16(e), and \$430.00 for a two-month extension of time. Should any additional fees be necessary, the Commissioner is authorized to charge the cost of the additional fees to deposit account 19-0733.

The submission of these missing parts, and two month extension of time, is timely filed by virtue of its filing by facsimile on October 12, 2004. However, should any extension or additional fee be required for the filing of these papers, such extension is requested and the Commissioner is hereby authorized to charge said fee to our Deposit Account No. 19-0733.

Respectfully submitted,

By:


Byron S. Kuzara, Registration No. 51,255

Banner & Witcoff, Ltd.
1001 G Street, N.W.
Washington, D.C. 20001-4597
Telephone: 503-425-6800

Dated: October 12, 2004

**BANNER & WITCOFF, LTD.**
INTELLECTUAL PROPERTY LAW601 SW SECOND AVENUE, #1900
PORTLAND, OREGON 97204TEL: 503.425.6800
FAX: 503.425.6801
www.bannerwitcoff.com**FACSIMILE TRANSMITTAL SHEET****To:**
Office of Initial Patent Examination -
Missing Parts**FROM:**
Byron S. Kuzara**COMPANY:**
USPTO**DATE:**
October 12, 2004**FAX NUMBER:**
703-746-4060**TOTAL NO. OF PAGES:**
15**RE:**
App. No. 10/767,465**OUR REFERENCE NO.:**
005127.00278*If you do not receive all page(s) or have any problems receiving this transmission, please call:***NAME:** Lesa Wolman**PHONE:** 503-425-6800**COMMENTS:**RECEIVED
OCT 14 2004
OIP E / JCWS

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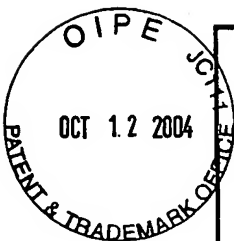
PORTLAND,
OR

PTO/SB/97 (06-03)

Approved for use through 04/30/2003, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Typed or printed name of person signing Certificate

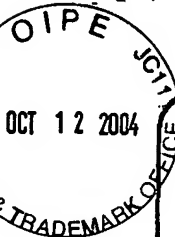
Note: Each paper must have its own certificate of transmission, or this
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Fee Transmittal (1 page)
Petition for Extension of Time (1 page)
Submission of Missing Parts (2 pages)
Executed Declaration (2 pages)
Copy of Notice to File Missing Parts (2 pages)
Supplemental Application Data Sheet (5 pages)

Serial No. 10/767,465
Attorney Docket No. 005127.00278

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04)
Approved for use through 07/31/2006. OMB 0851-0082
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1942

Complete if Known

Application Number 10/767,485
Filing Date 1/28/04
First Named Inventor Thomas Foxen, et al.
Examiner Name TBD
Art Unit 3728
Attorney Docket No. 005127.00278

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit Account Number 19-0733

Deposit Account Name Banner & Witcoff, LTD.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	780	2001	385	Utility filing fee	780
1002	340	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	780	2004	395	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 780)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	48	-20	=	28	X	18	=	504
Independent Claims	4	-3	=	1	X	88	=	88
Multiple Dependent	0				X	300	=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	Reissue independent claims over original patent
1205	18	2205	9	Reissue claims in excess of 20 and over original patent

*or number previously paid, if greater; For Reissue, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	130
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	430
1253	980	2253	490	Extension for reply within third month	
1254	1,630	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	840	2402	170	Filing a brief in support of an appeal	
1403	900	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	480	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1490	130	1490	130	Petitions to the Director	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (c)	
1808	180	1808	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.128(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.128(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 560)

SUBMITTED BY

Name (Print/Type) Byron S. Kuzara Registration No. (Attorney/Agent) 51,255 Telephone 603-425-6800
Signature *Byron S. Kuzara* Date 10/7/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/767,465	01/28/2004	Frederick J. Dojan	005127.00278

22909
BANNER & WITCOFF, LTD.
1001 G STREET, N.W.
WASHINGTON, DC 20001-4597

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JUN 18 2004

BANNER & WITCOFF

CONFIRMATION NO. 3624

FORMALITIES LETTER



OC000000012957224

Date Mailed: 06/16/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.18(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$590 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1490 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

10/14/2004 JBALININ 00000152 190733 10767465

01 FC:1001 790.00 DA
02 FC:1201 88.00 DA
03 FC:1202 504.00 DA
04 FC:1051 130.00 DA

- Total additional claim fee(s) for this application is \$590

- \$86 for 1 independent claims over 3.
- \$504 for 28 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
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Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


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Initial Patent Examination Division (703) 308-1202

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